

Application No. 09/814,034
Attorney Docket No: 25061A

REMARKS

Support for the above-requested amendments to claim 17 is found at least in paragraphs [0007], [0015], and [0018] of the specification. Claim 21 has been canceled. Claim 22 has been amended to depend from claim 17. New claims 24 - 27 are supported at least by paragraphs [0010] and [0028]. Support for new claim 28 is found at least in paragraph [0021]. New claim 29 is supported at least by paragraphs [0007], [0009], [0015], [0018], and [0020]. Support for new claim 30 is found at least in paragraphs [0007] and [0018]. New claims 31 and 32 are supported at least by paragraphs [0008] and [0016]. New claim 33 is supported at least by paragraph [0007]. No question of new matter arises and entry of the amendments and new claims 24 - 33 is respectfully requested.

Claims 17 -19 and 22 -33 are before the Examiner for consideration.

Formal Matter

As shown above, Applicants have added new claims 24 - 33 by amendment. Because claims 1 - 16 and 20 - 21 have been canceled, the total number of claims Applicants are submitting for examination in this application does not exceed 20. Therefore, Applicants respectfully submit that no additional filing fees are required for newly added claims 24 - 33. In addition, Applicants respectfully submit that there are no fees required for new independent claim 29 because claim 1, which was canceled from this application, was also an independent claim. Thus, the total number of independent claims present and paid for in the application does not exceed three. Furthermore, because support for these newly added claims is found throughout the specification, as identified in the opening paragraph of the Remarks, Applicants respectfully submit that these newly added claims do not contain any new matter.

Application No. 09/814,034
Attorney Docket No: 25061A

Examiner Interview

Applicants wish to thank the Examiner for the helpful and courteous interview conducted on March 30, 2004. Applicants believe that this interview helped to advance the prosecution of this case. Although the "Interview Summary" accurately memorialized the general discussion, a more detailed description is set forth below.

During the interview, Applicants' representative, Amy L. Miller, discussed the Arkens *et al.* reference cited by Examiner Wilson in the outstanding Office Action in view of Applicants' invention. The Examiner agreed that an independent claim similar to original claim 17 but which recites the average molecular weight of the polyacrylic acid and the molar ratio of the hydroxyl groups in the polyhydroxy crosslinking agent to the carboxylic acid groups in the polyacrylic acid would be sufficient to overcome the rejection over Arkens *et al.* The Examiner also indicated that a claim similar to original claim 17 but which recites the average molecular weight of the polymer, a markush group of the polyols listed in paragraph [0020], and the phrase "consisting essentially of" would be sufficient to overcome the outstanding art rejection over Arkens *et al.*

Objection to New Matter

The Examiner has objected to the Amendment filed January 12, 2004 under 35 U.S.C. §132 because it introduces new matter into the disclosure. In particular, the Examiner asserts that the recitation that the polyhydroxy crosslinking agent contains "no more than one nitrogen" is new matter.

Application No. 09/814,034
Attorney Docket No: 25061A

In response to this objection, Applicants have amended claim 17 to remove the phrase "no more than one nitrogen", thereby rendering this objection moot. Therefore, Applicants respectfully request that this objection be reconsidered and withdrawn.

Rejection under 35 U.S.C. §112, first paragraph

Claims 17 – 19 and 21 – 22 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner asserts that the claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one of skill in the art that the inventors had possession of the claimed invention at the time the application was filed.

In response to this rejection, Applicants have amended claim 17 to remove the phrase "no more than one nitrogen", thereby rendering this rejection moot. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. §102(b)/103(a)

Claims 17 – 19 and 21 - 22 have been rejected under 35 U.S.C. §102(b) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being obvious over Arkens *et al.* (U.S. Patent No. 5,661,213). The Examiner asserts that Arkens *et al.* teach a specific embodiment in which a hypophosphorous acid and its salts are used as a chain transfer agent to form a polyacrylic acid and to incorporate the phosphorous containing cure accelerator and the polyacid in the same molecule. The Examiner concludes that one of skill in the art would readily envisage that a cure accelerator would not have to be separately added to the binder composition.

In response to this rejection, Applicants respectfully direct the Examiner's attention to the amendments made to independent claim 17 which were discussed in the Examiner Interview held on March 30, 2004, and respectfully submit that claim 17, as amended, defines an invention that is not taught or suggested within *Arkens et al.* In particular, Applicants submit that *Arkens et al.* do not teach or suggest a composition suitable for use as a component in a binder for fiberglass that includes a polyacrylic acid having a weight-average molecular weight ranging from 1,000 to 10,000 that is polymerized from an acrylic acid monomer in the presence of a phosphorus based regulating agent that is suitable for use as an accelerating agent in a subsequent reaction step to form a phosphite regulated polyacrylic acid and crosslinked by a polyhydroxy crosslinking agent. In addition, *Arkens et al.* do not teach or suggest that the molar ratio of the hydroxyl groups in the polyhydroxy crosslinking agent to the carboxylic acid groups in the polyacrylic acid ranges from 0.4 – 0.6 as is presently claimed in independent claim 17. Because *Arkens et al.* do not teach or suggest the composition claimed in amended claim 17, claim 17 cannot be anticipated by, or be obvious over, *Arkens et al.*

Because claims 18 - 19 and 22 – 28 are dependent upon independent claim 17, which, as discussed above, is neither taught nor suggested by *Arkens et al.*, claims 18 – 19 and 22 – 28 are also non-anticipatory, non-obvious, and patentable.

With respect to newly added claims 29 – 33, Applicants respectfully submit that, as discussed in the Examiner Interview held on March 30, 2004, *Arkens et al.* do not teach or suggest a composition suitable for use as a binder for fiberglass that consists essentially of a polyacrylic acid having a weight-average molecular weight of from 1,000 to 10,000 that is polymerized from an acrylic acid monomer in the presence of a phosphorus based regulating agent that is suitable for use as an accelerating agent in a subsequent reaction step to form a

phosphite regulated polyacrylic acid and crosslinked by a polyhydroxy crosslinking agent selected from triethanolamine, glycerol, trimethylolpropane, 1,2,4,-butanetriol, ethyleneglycol, 1,3-propanediol, 1,4-butanediol, 1,6-hexanediol, pentaerythritol, sorbitol, or mixtures thereof. Such a composition is neither taught nor suggested by Arkens *et al.* As such, new independent claim 29 cannot be anticipated by, or be obvious over, Arkens *et al.* Thus, Applicants submit that independent claim 29, and all claims dependent therefrom, are also patentable.

In view of the above, Applicants submit that the present invention is not anticipated by, or obvious over, Arkens *et al.* and respectfully request that this rejection be reconsidered and withdrawn.

CONCLUSION

In light of the above, Applicants believe that this application is now in condition for allowance and therefore request favorable consideration.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

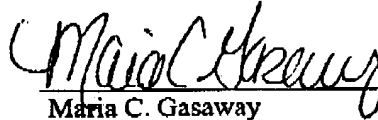
Application No. 09/814,034
Attorney Docket No: 25061A

If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 50-0568 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

Date:

4/16/04



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Page 11